

**CITY OF EUREKA  
CITY COUNCIL/  
REDEVELOPMENT AGENCY  
AGENDA**

Marian Brady 1<sup>st</sup> Ward  
Linda Atkins 2<sup>nd</sup> Ward  
Mike Newman 3<sup>rd</sup> Ward  
Vacant 4<sup>th</sup> Ward  
Lance Madsen 5<sup>th</sup> Ward



Frank Jäger, Mayor

**REGULAR MEETING  
TUESDAY, JANUARY 4, 2011  
CLOSED SESSION 5:00 P.M.  
REGULAR SESSION 6:00 P.M.  
COUNCIL CHAMBER  
531 K STREET  
EUREKA, CA 95501**

David Tyson, City Manager  
Pam Powell, City Clerk  
William Bragg, Interim City Attorney

---

**CLOSED SESSION**

*If closed session items cannot be completed by 5:55 P.M., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the next regular meeting.*

**A. PUBLIC COMMENT PERIOD**

(Limited to 3 minutes each speaker on closed session agenda items only)

B. Conference with legal counsel – Existing litigation Owsley v. City of Eureka, et al  
(Humboldt Co. Superior Court No. DR091019)

*Pursuant to California Government Code Section 54956.9(a)*

C. Public Employment – City Manager

*Pursuant to California Government Code Section 54957*

D. Conference with legal counsel-anticipated litigation

Significant exposure to litigation: two cases.

*Pursuant to California Government Code Section 54956.9(b)*

---

**REGULAR SESSION – 6:00 P.M.**

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**REPORT OUT OF CLOSED SESSION**

**MAYOR'S ANNOUNCEMENTS**

**COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS**

**BOARD/COMMISSION REPORTS**

## **PUBLIC HEARINGS**

*Public Hearings are scheduled for a time certain of 6:00 P.M. unless noticed otherwise, or as soon thereafter as possible.*

1. Public Hearing – Transfer of Abandoned Utility Easements to the City of Arcata  
Recommendation:
  1. Hold a public hearing.
  2. Determine the Easements to be surplus; and
  3. Determine that assigning the Easements will have a cost-neutral or positive financial benefit to the City; and
  4. Direct the Mayor and City Manager to transfer the City's interest in a portion of two utility easements to the City of Arcata by signing the Full Assignment of Recorded Easements.

(City Engineer)

---

## **PUBLIC COMMENT PERIOD**

*This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. You may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to City Council Minute Order dated May 4, 1989, City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. Pursuant to City Council Minute Order dated June 6, 2000, the public will be allowed to speak concurrently with the calling of an agenda item following the staff presentation of that item.*

*Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.*

2. Is there any person in the audience who wishes to address the Council at this time?

---

## **CONSENT CALENDAR**

**Notice to the Public:** *All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Unless a specific request is made by a Councilmember or the public, the Consent Calendar will not be read. There will be no separate discussion of these items. However, if discussion is required, that item will be removed from the Consent Calendar and considered separately.*

3. Council meeting minutes.  
Recommendation: Approve the regular Council/Redevelopment Agency Board meeting minutes of November 2, 2010 and the special Council/Redevelopment Agency Board meeting minutes of November 4, 2010 as submitted.  

(City Clerk)

4. Weider, Liberty  
Recommendation: Reject the claim for damages.  
(City Attorney)
5. Reservoir Maintenance Project Phase 3 Roof Structure Recoating Professional Services Agreement  
Recommendation: Authorize staff to execute a professional services agreement with DB Gaya Consulting LLC for Protective Coating Inspection Services for the Reservoir Maintenance Project Phase 3 – Roof Structure Recoating, in an amount not to exceed \$50,000.  
(City Engineer)
6. Elk River Bio-solids Project  
Recommendation:
  1. Award Bid No. 2011-08 to lowest responsive bidder, Synagro Technologies Inc., in an amount not to exceed \$213,031; and
  2. Approve a contingency in the amount of \$1,900 for laboratory analysis if necessary.  
(Public Works Director)
7. C Street Repair  
Recommendation:
  1. Authorize payment of \$27,866 to RAO Construction Company for the C Street Repair; and
  2. Appropriate Proposition 42 funding in the amount \$27,866 for the C Street Repair.  
(City Engineer)
8. New Directions - NCRC  
Recommendation:
  1. Authorize the City Manager to execute an Agreement with the North Coast Resource Center for the Work Plan for the Humboldt Bay Public Access Enhancement Project; and
  2. Appropriate \$17,700 from General Fund Reserves to fund the proposed program.  
(City Manager)
9. Elk River Access/Iksori Trail Project. Consolidate Coastal Permit Authority With Coastal Commission  
Recommendation: Adopt a Resolution of the City Council of the City of Eureka consenting to the Consolidation of Coastal Permitting Action with the California Coastal Commission for the Elk River Access/Iksori Trail Project, and Delegating to the Director of Community Development Authority to consent to future Coastal Permit Consolidations.  
(Community Development Director)

## **ORDINANCES/RESOLUTIONS**

### **10. 2010 California Fire Code**

Recommendation: 1. Waive reading, read by title only, and introduce Bill No. 833-C.S., an ordinance amending Title 9, Chapter 92, Adoption of the California Fire and Life Safety Code, repealing Sections 92.01 through 92.06 and replacing with new sections 92.01 through 92.06, adopting by reference the 2010 California Fire Code and related model codes and appendices and amendments; and  
2. Adopt Resolutions of the City Council of the City of Eureka setting forth express findings that amendments to the fire code contained in the California Code of Regulations (CCR), Title 24, Part 9 are necessary because of local climatic, geological or topographical conditions.  
(Interim Fire Chief)

### **11. 2010 California Building Standards Code**

Recommendation: Waive reading, read by title only and adopt Bill No. 832-C.S. an ordinance amending Title XV, Chapter 150, Building Regulations, repealing Sections 150.015 through 150.025 and replacing with new sections 150.015 through 150.029, adopting by reference the 2010 editions of the California Building Standards Code and related model codes with appendices and amendments.  
(Assistant City Manager)

### **12. State Video Service Franchises Ordinance (also "DIVCA Ordinance")**

Recommendation: Waive reading, read by title only, and adopt Bill No. 831-C.S. adding Sections 114.57-114.64 (STATE VIDEO SERVICE FRANCHISES) to Chapter 114 of Title XI of the Eureka Municipal Code, which implements the provisions of the Digital Infrastructure and Video Completion Act of 2006, codified in  
(City Manager)

---

## **REPORTS/ACTION ITEMS**

### **13. The Greater Eureka Chamber of Commerce Funding Agreement**

Recommendation: Pursuant to Sections 10 & 11 of the Funding Agreement between the City of Eureka and the Greater Eureka Chamber of Commerce (Chamber), it is recommended that Council authorize the City Manager to:  
1. Notify the Chamber of the City's desire to extend our "Funding Agreement" for an additional year, effective January 1, 2011; and

2. Authorize payment for approved expenditures made in accordance with the Chamber's Comprehensive Marketing plan and annual budget in an amount equal to approximately 7.5% of the City's Transient Occupancy Tax (TOT) and not to exceed \$100,000 per the City's approved budget.  
(City Manager)

14. Medical Cannabis RFQ Status Report

- Recommendation:
1. Receive Report; and
  2. Provide direction regarding Medical Cannabis RFQ Review Committee.
- (Community Development Director)

---

**CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS**

---

**ADJOURNMENT**

*If open session items cannot be completed by 9:30 P.M., the meeting may be adjourned to the next regular meeting or Council may vote to extend the meeting.*

---

## NOTICES

- The City Council agenda and supporting documents are available for public review on the Friday afternoon prior to the Tuesday meeting at the City Clerk's Office, the Eureka Humboldt County Library and on-line at [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov).
- The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon the request and consensus of the Mayor and Council.
- Any writing that is a public record not exempt from public disclosure and relating to an agenda item for open session of the City Council is available for public inspection at the Office of the City Clerk, 531 K Street, Room 207, Eureka, CA 95501.
- The meeting rooms are ADA accessible. Accommodations and access to City meetings for people with special needs must be requested of the City Clerk at 441-4175 72 hours in advance of the meeting. This agenda and other materials are available in alternate formats upon request.
- All persons in attendance at public meetings are requested to observe the following rules of civil debate:
  1. We may disagree, but we will be respectful of one another.
  2. All comments will be directed to the issue at hand.
  3. Personal attacks are unacceptable.

Applauding or other displays of approval/disapproval are discouraged.

- Regular City Council/Redevelopment Agency meetings are broadcast live by Humboldt Access on Cable Channel 10. Council meetings can also be viewed on line at [www.accesshumboldt.net](http://www.accesshumboldt.net) – Search archives “Eureka City Council Meetings”.
- To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

Questions? Please e-mail [ppowell@ci.eureka.ca.gov](mailto:ppowell@ci.eureka.ca.gov) or contact the City Clerk's office at (707) 441-4175.